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**DORSEY RIDICULES
FRANK APPEAL**

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**NEW
TRIAL
PLANE**

DAT START, HE SAYS

**Prosecutor Calls
Grounds Sub-
mitted by Defense
“Hodge-
podge” and “Catch All.”**

That Leo Prank's lawyer are engaged in a "post-mortem" attempt to obtain a new trial for their client is the charge repeatedly made in the brief and argument completed Saturday by Solicitor General Hugh M. Dorsey and served upon the attorneys for the defense.

Some of the grounds for a new trial advanced by the defense Dorsey characterizes as "hodgepodge and catch all," and ridicules the assertion that Frank was tried by a mob rather than by a judge and jury.

The opposing attorneys will begin their verbal argument before the Supreme Court on Monday at 9 o'clock. The first request to be made of this court will be for an extension of time. Two hours customarily is given to each side, but owing to the importance of the case, it is likely that two days or more will be asked for the arguments.

"Catching at Technicality."

The Solicitor, in referring to the defense's claims that demonstrations on the part of the crowd were sufficient to influence and intimidate the jury, implied that Frank's lawyers throughout the trial were laying the groundwork for a plea on which to ask for a new trial, catching at every technicality that presented itself. The Solicitor said:

"The request of counsel to clear the courtroom of spectators before anything was done in the trial, showed, in the connections now being considered, that they were anticipating laying hold of all such little inconsequential occurrences and technicalities that could be discovered."

"They can not complain, because they failed to ask any affirmative relief, so far as this record shows. They say in this ground that they called attention of the court for the purpose of 'obtaining some action.' In the next paragraph they show that they got from the court some action, and the court never had any

intimation that the action he gave was not commensurate with the requirements of the situation."

Too Late With Complaint.

"This is simply another 'post-mortem attempt to get another trial,' to use an expression of Judge Russell."

Continuing, Solicitor Dorse argued:

"We submit that there was nothing of sufficient importance or consequence requiring the court to take any radical steps, and that the failure of the defendant's attorneys at the time to request, or suggest, or intimate to the court that something or other should be done stops them now from complaining."

The Solicitor charged that Frank's lawyers had magnified these occurrences far beyond their real importance and argued that the fact that Judge Roan overruled the motion for a new trial showed conclusively from a legal standpoint that he did not attach any importance to the demonstrations. Stress was laid on the affidavits of the jurors that they did not hear the demonstrations referred to by the defense.

Upholds Conley Evidence.

Several pages of the brief are given over to a contention on the admissibility of Jim Conley's testimony on the alleged perversion of Frank. The Solicitor remained firm in his stand that no error was committed in allowing this testimony in the record. He insisted that the courts of America are permitting much greater latitude in evidence of this sort than ever before, widening and extending the rule in this respect, appreciating that it is necessary in order to get at truth.
